

Message Text

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73

ACTION EB-07

INFO OCT-01 EUR-12 IO-13 ISO-00 FEA-01 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

/106 W

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R 131659Z AUG 76

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 4546

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY LUXEMBOURG

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY THE HAGUE

USMISSION EC BRUSSELS

USMISSION OECD PARIS

USMISSION GENEVA

USDEL MTN GENEVA

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E.O. 11652: N/A

TAGS: ETRD GATT UK

SUBJECT: IMPLEMENTATION OF ANTIDUMPING LEGISLATION BY
PARTIES TO GATT ANTIDUMPING CODE

REF: STATE 200895

1. UK GOVERNMENT'S STATED POLICY IS NOT TO SEEK PRICE OR
QUANTITATIVE UNDERTAKINGS FROM FOREIGN COMPANIES ALLEGED
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TO HAVE DUMPED UNTIL GOVERNMENT HAS PRIMA FACIE EVIDENCE

OF IMPORTS BELOW FAIR MARKET PRICE AND MATERIAL INJURY TO UK INDUSTRY. UK'S DUMPING AND SUBSIDIES ACT OF 1969 IS MODELLED DIRECTLY ON GATT ANTIDUMPING CODE. THERE APPEARS TO BE NO SIGNIFICANT DIFFERENCE BETWEEN THE TWO EXCEPT FOR CONSIDERABLY MORE DETAILED GUIDELINES IN UK LAW ON DEALING WITH STATE TRADING COUNTRIES.

2. EMBASSY IS NOT AWARE OF ANY CASES IN WHICH UK GOVERNMENT TERMINATED DUMPING PROCEEDINGS PRIOR TO COMPLETING THE INITIAL INVESTIGATION (FOR DETERMINING PRIMA FACIE CASE) IN ORDER TO SECURE A PRICE/QUANTITY UNDERTAKING BY FOREIGN COMPANY. WE HAVE ALSO NOT HEARD OF ANY OTHER IMPROPER USE OF ANTIDUMPING LAW. OFFICIALS HERE HAVE EXPRESSED SOME PRIDE IN THEIR VERY CLOSE ADHERENCE TO BOTH THE LETTER AND SPIRIT OF THE GATT ANTIDUMPING CODE.

3. THERE HAVE BEEN ONLY THREE ANTIDUMPING COMPLAINTS AGAINST US COMPANIES DURING THE LAST FIVE YEARS. IN THE 1971 CASE ON MOVING EYES FOR DOLLS ANTIDUMPING DUTIES WERE ASSESSED. 1976 CASE ON SINGLE BEAM ATOMIC ABSORPTION SPECTROPHOTOMETERS IS STILL PENDING. 1976 CASE ON ACRYLIC SHEET IS ONE IN WHICH ACTION WAS WITHDRAWN BEFORE A FINAL DETERMINATION WAS MADE. THIS WAS DONE BECAUSE US COMPANY DID INCREASE PRICES AND DECREASE SALES VOLUME DURING COURSE OF INVESTIGATION (LONDON 7258). HOWEVER, US COMPANY'S ACTION WAS TAKEN AFTER GOVERNMENT COMPLETED ITS INITIAL INVESTIGATION AND HAD SATISFIED ITSELF THAT PRIMA FACIE EVIDENCE SHOWED A MARGIN OF DUMPING. UK OFFICIALS WERE VERY OPEN AND COOPERATIVE THROUGHOUT, EVEN TO POINT OF SHOWING EMBASSY DETAILED PRICE/DATA COMPARISONS ON WHICH DETERMINATION WAS MADE. IT COULD BE ARGUED THAT UK ASSERTED IMPROPER PRESSURE SINCE FINAL DETERMINATION WAS NEVER MADE, BUT EMBASSY FOLLOWED CASE IN DETAIL AND SAW NO EVIDENCE TO INDICATE THIS.

4. IN SUM, IT IS OUR ASSESSMENT THAT THERE IS LITTLE BASIS FOR CONCERN IN THE CASE OF THE UK.

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ARMSTRONG

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Message Attributes

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Draft Date: 13 AUG 1976
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Disposition Authority: ShawDG
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
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Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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